

Recommendation Report for Planning Permission

REF NO: BE/74/20/PL

LOCATION: Rear of Rookery Farm
113 North Bersted Street
Bersted
PO22 9AG

PROPOSAL: Variation of condition 2-plans condition, following the approval of BN/16/20/PL for amended floor plans & elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend conditions 2 of BN/16/20/PL. Condition 2 states: The development hereby approved shall be carried out in accordance with the following approved plans; Dwg.no. 1 - Location Plan 11.02.2020 Dwg.no. 2 - Proposed Block Plan dated 11.02.2020 Dwg.no. 3A - Proposed Site Plan dated 28.04.2020 Dwg.no. 5 Proposed Floor Plan dated 11.02.2020 Dwg.no. 6 - Proposed Elevations dated 11.02.2020 Dwg.no. 8 - Tree Protection Plan 11.02.2020 Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and HER DM1 of the Arun Local Plan. Vary condition 2 to change approved drawings 5 and 6 to drawings 15 and 16 . To enable minor variations to amended design in respect of fenestration and side element.
SITE AREA	0.0393 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is well screened with hedgerow and some trees.
SITE CHARACTERISTICS	The site is in the built up area boundary, adjacent to the North Bersted Conservation Area. The site has a back-land position which is not readily visible from the street. At present the site is in a poor state and contains what appears to be elements of its former use. The access road from North Bersted Street is

within the Conservation Area.

The site comprises part of a large area historically used for commercial purposes - originally as a works and over the last 20 or so years for storage. The land comprises 'Previously Developed Land'.

CHARACTER OF LOCALITY

Semi rural location, with fields to the north and dwellings to the south. Just to the west is a site with recent permission for a bungalow (BE/133/16/PL) now under construction.

The nearby Conservation area has strong historical links with farming/agriculture; It retains a country feel, partly as a result of the presence of many fine examples of 16th, 17th and 18th Century farmhouses, as well as a general informality in the street layout of the street.

The Conservation Area contains a number of listed and locally listed buildings. The closest ones to the site being, but not limited to #101, 109, 111 North Bersted Street.

RELEVANT SITE HISTORY

BE/62/20/DOC	Approval of details reserved by condition imposed under ref BE/16/20/PL relating to Condition Nos 3 - materials & finishes, 4 - boundary planting, 8 - electric vehicle charging, 10 - storage of waste and 11 - joinery details	DOC Approved 19-08-20
BE/16/20/PL	Demolition of storage buildings & erection of 1 No 3-bed cottage. This application affects the setting of listed buildings & affects the character & appearance of the North Bersted Conservation Area.	ApproveConditionally 07-05-20

No relevant history for the site.

REPRESENTATIONS

No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary;
 Bersted Neighbourhood Plan Area
 Class C Road;
 Affecting the setting of the North Bersted Conservation Area;
 Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM2	ENV DM2 Pagham Harbour
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
DSP1	D SP1 Design

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies in the Bersted Neighbourhood Plan are relevant in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal would comply with other relevant Development Plan policies in that it would be located in the Built-Up Area Boundary, would maintain the residential amenity of neighbouring and future occupants of the new dwelling and would comply with internal space standards and provide an adequately sized and useable private garden area. Subject to conditions it provides sufficient on-site car and cycle parking, bin storage provision and surface water drainage, in accordance with policies SD SP1, SD SP2, H SP1, D DM1, QE SP1, D DM2, WM DM1, T SP1, W DM1, W DM2, W DM3, HER SP1 & HER DM1 of the Arun Local Plan and policies HDQ3, ES1, HDQ2, HDQ5, HDQ6, HDQ7 AND ES3 of the Bersted Neighbourhood Plan (BNP)..

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE:**

The site is in the built up area boundary where the principle of development is acceptable in accordance with Policy SD SP2 of the Local Plan subject to other policies in the development plan which in this case include policy D DM1 and HER DM1 of the Local Plan and guidance in the NPPF.

DESIGN, CHARACTER & HERITAGE IMPACT:

Policy D DM1 of the Arun Local Plan requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Arun Local Plan policy HER DM1 states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

Section 16 of the NPPF discusses heritage assets and their setting.

The proposal is for a small amendment of design in respect of fenestration and side element. The height

of roof above the lower northern element would be marginally reduced and would be less steep resulting in a greater presence of walls and less roof mass which would improve the appearance of side element being in a better balance with the main building.

Proposed French windows and doors on the western elevation to the right and the casement window in the middle would be replaced with bi-folding doors.

The amendments are acceptable; they would enhance the appearance of the dwelling and would bring more light to the kitchen. It is considered to comply with policy D DM1 and HER DM1 of the Local Plan.

Due to the scale and a nature of amendments it is considered that there is no harm to the heritage asset.

RESIDENTIAL AMENITY

The height of side element would be slightly reduced and the change of mass of roof would improve the relationship between the main building and the side element. It is not considered that the proposed amendments would result in significant loss of light, overbearing impact or loss of privacy to the properties to the nearby properties and is therefore considered to comply with policy D DM1 of the Arun Local Plan.

It is therefore considered that the proposal complies with the NPPF and the Local Plan policies and should be approved subject to the attached conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The approval of an original application (BN/16/20/PL) has been granted in conjunction with a Section 106 legal agreement relating to a contribution towards the mitigation of the Pagham Harbour Special Protection Area (£871).

CIL DETAILS

This application is not CIL Liabie since the floor space is unchanged; 203 square metres as approved under reference BE/16/20/PL.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the 7th May 2020 (being the date that planning permission was granted for BN/16/20/PL).

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg.no. 1 - Location Plan 11.02.2020
 Dwg.no. 2 - Proposed Block Plan dated 11.02.2020
 Dwg.no. 3A - Proposed Site Plan dated 28.04.2020
 Dwg.no.15 - Proposed Floor Plan dated 21.07.2020
 Dwg.no.16 - Proposed Elevations dated 21.07.2020
 Dwg.no. 8 - Tree Protection Plan 11.02.2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety and Policy T SP1 of the Arun Local Plan.

- 4 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy working activities on Sunday or Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 5 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 6 Noise from any pumping station shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan 2011 - 2031.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to be in accordance with T SP1 of the Arun Local Plan.

- 8 The recommendations and enhancements requested by the Council's Ecologist shall be implemented in full prior to the completion of the development and be retained thereafter.

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Non bitumen coated roofing membranes should be avoided.

Three bat bricks shall be integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

A bird box must be installed on the building/and or tree within the garden of the property.

Enhancements

A number of enhancements must be incorporated within the scheme and shown with the landscaping strategy. These include;

- Any trees removed should be replace at a ratio of 2:1
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species

- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site
- Hedgehog nesting boxes included on the site

Reason: To ensure the acceptable management of the landscaping on the site in accordance with Policy D DM1 of the Arun Local Plan.

- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.